

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

JAMES THOR KIRK,

Plaintiff,

v.

CV 12-1157 JAP/WPL

DOCTOR ROLANDO FLORES and
OFFICER JEFFREY BURKE,

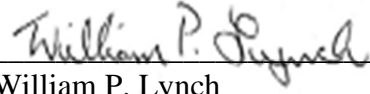
Defendants.

ORDER DENYING MOTION OF RECONSIDERATION

On October 2, 2014, Kirk, while pro se, filed a Motion of Reconsideration. (Doc. 185.) The caption of the motion lists the Thirteenth Judicial District Court, County of Valencia, State of New Mexico, as the defendant. Kirk asks generally that this Court use its authority to resolve the case. He attaches a Motion To Reconsider Sentence, filed on September 26, 2014, in the Thirteenth Judicial District Court (Doc. 185 at 3-6) and a Motion for Request for Hearing (Doc. 185 at 7-8), also filed in state court on the same date. Kirk's Motion To Reconsider Sentence was denied in state court on November 19, 2014.

Kirk's Motion of Reconsideration is DENIED for two reasons. First, the Thirteenth Judicial District Court is not a party in the present case. Second, the Tenth Circuit has held that issues related to sentencing, particularly the manner in which sentences are to be served, raise questions of state law that do not involve the denial of constitutional rights. *See, e.g., Saccato v. Wilson*, 510 F. App'x 693, 696-97 (10th Cir. 2013) (unpublished); *Ballard v. Franklin*, 463 F. App'x 732, 734-35 (10th Cir. 2011) (unpublished).

IT IS SO ORDERED.

A handwritten signature in black ink, reading "William P. Lynch", is written over a horizontal line.

William P. Lynch
United States Magistrate Judge